

ASSEMBLY BILL

No. 1220

Introduced by Assembly Member Huffman

February 27, 2009

An act to amend Sections 12509 and 12814.6 of, and to add Section 12811.2 to, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1220, as introduced, Huffman. Vehicles: supervised driving: young drivers.

(1) Existing law allows a person with an instructional permit issued by the Department of Motor Vehicles to generally operate a motor vehicle when accompanied and supervised by a California licensed driver who, among other things, is 18 years of age or over and whose driving privilege is not on probation. A violation of these provisions is an infraction.

This bill would additionally require that the supervising licensed driver have held his or her license for at least one year.

(2) Existing law requires the department, upon proper application, to issue driver's licenses to persons 18 years of age or older who meet specified criteria.

This bill would require, on and after January 1, 2011, for a driver's license to be issued to a person at least 18 years of age but under 25 years of age, the person to complete 50 hours of supervised driving practice, not less than 10 of which is required to include driving during darkness. The bill would require the person to record and maintain a supervised driving log, provided by the department, in the vehicle while the person is practicing. Upon application for a driver's license, the person would be required to submit to the department the supervised

driving log, certifying that the applicant has completed the required amount of driving practice and is prepared to take the department's driving test.

(3) Existing law, the Brady-Jared Teen Driver Safety Act of 1997, allows for the issuance of a driver's license to a person at least 16 years of age but under 18 years of age pursuant to the provisional licensing program. Under the act, licensees are required to meet specified requirements, driver education, and training, and are prohibited during the first 12 months after issuance of a license from driving during the hours of 11 p.m. and 5 a.m. or from transporting passengers who are under 20 years of age, except as provided. A violation of these provisions is an infraction.

This bill would require a person at least 16 years of age but under 18 years of age who is eligible for a driver's license issued pursuant to the provisional licensing program to record and maintain a supervised driving log in the vehicle while the person is practicing.

Because these provisions would create new crimes, the bill would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Motor vehicle crashes are the leading cause of death for
- 4 teenage drivers between 15 and 20 years of age, accounting for 13
- 5 percent of all fatal crashes according to statistics compiled by the
- 6 National Highway Traffic Safety Administration.
- 7 (b) On a per population basis, drivers under 25 years of age
- 8 have the highest rate of involvement in fatal crashes of any age
- 9 group according to the National Highway Traffic Safety
- 10 Administration.
- 11 (c) According to the University of California, Berkeley Traffic
- 12 Safety Center 2006 Report: Teens and Driving in California –

1 Summary of Research and Best Practices, teenagers in California
2 have the highest average annual collision and traffic offense rate.
3 Per mile driven, their crash rate is four times that of other drivers.

4 (d) Many teens are waiting until they are 18 years of age to get
5 their driver's license. The number of provisional licenses issued
6 per year for persons 16 and 17 years of age is steadily decreasing
7 despite an increase in population in California.

8 (e) California does not require any person 18 years of age or
9 older to take driver education or driver training to obtain a driver's
10 license.

11 (f) Although still high, crash rates for 16- and 17-year old drivers
12 are declining with the enactment of the Brady-Jared Teen Driver
13 Safety Act of 1997, but crash rates among 18 year olds are
14 increasing.

15 (g) Brain development research indicates that the
16 decisionmaking part of the brain is not fully developed until 25
17 years of age. The frontal cortex regulates impulse control,
18 judgment, problem solving, and emotional processing, all which
19 affect decisions behind the wheel, according to the University of
20 California Berkeley Traffic Safety Center 2006 Report.

21 (h) Fatalities and collision rates drop significantly after 25 years
22 of age according to the Department of the California Highway
23 Patrol 2006 Statewide Integrated Traffic Records System.

24 (i) Research shows that practice behind the wheel dramatically
25 reduces crash rates for new drivers. The crash risk drops by more
26 than two-thirds after the first 1,000 to 1,500 miles of independent
27 driving.

28 (j) Eighteen to 24 year olds would be safer drivers as a result
29 of taking a driver awareness program designed to teach drivers
30 about the dangers facing young motorists and how to remain safe
31 on the road.

32 (k) The National Safety Council, a leader in driver improvement
33 training for more than 40 years, developed Defensive Driving
34 Course, a highly interactive young driver intervention program in
35 which the instructor plays the role of facilitator, to specifically
36 target drivers between 16 and 24 years of age.

37 (l) Defensive Driving Course teaches young adults that people
38 in their age group are more likely to be hurt or killed in a vehicle
39 crash; inexperience, distractions, and peer pressure cause unique
40 driving hazards; speeding, alcohol, and "party drugs" greatly

1 increase their risk of injury or death; as a driver or passenger, they
2 can greatly reduce their risk by taking control; and committing to
3 changing their driving behavior makes personal, legal, and financial
4 sense.

5 SEC. 2. Section 12509 of the Vehicle Code is amended to read:

6 12509. (a) Except as otherwise provided in subdivision (f) of
7 Section 12514, the department, for good cause, may issue an
8 instruction permit to any physically and mentally qualified person
9 who meets one of the following requirements and who applies to
10 the department for an instruction permit:

11 (1) Is age 15 years and 6 months or older, and has successfully
12 completed approved courses in automobile driver education and
13 driver training as provided in paragraph (3) of subdivision (a) of
14 Section 12814.6.

15 (2) Is age 15 years and 6 months or older, and has successfully
16 completed an approved course in automobile driver education and
17 is taking driver training as provided in paragraph (3) of subdivision
18 (a) of Section 12814.6.

19 (3) Is age 15 years and 6 months and enrolled and participating
20 in an integrated driver education and training program as provided
21 in subparagraph (B) of paragraph (3) of subdivision (a) of Section
22 12814.6.

23 (4) Is over the age of 16 years and is applying for a restricted
24 driver's license pursuant to Section 12814.7.

25 (5) Is over the age of 17 years and 6 months.

26 (b) The applicant shall qualify for, and be issued, an instruction
27 permit within 12 months from the date of the application.

28 (c) An instruction permit issued pursuant to subdivision (a) shall
29 entitle the applicant to operate a vehicle, subject to the limitations
30 imposed by this section and any other provisions of law, upon the
31 highways for a period not exceeding 24 months from the date of
32 the application.

33 (d) Except as provided in Section 12814.6, a person, while
34 having in his or her immediate possession a valid permit issued
35 pursuant to paragraphs (1) to (3), inclusive, of subdivision (a), may
36 operate a motor vehicle, other than a motorcycle, motorized
37 scooter, or a motorized bicycle, when accompanied by, and under
38 the immediate supervision of, a California licensed driver with a
39 valid license of the appropriate class, 18 years of age or ~~over~~ older
40 whose driving privilege is not on probation *and who has held a*

1 *valid license for at least one year.* Except as provided in
2 subdivision (e), an accompanying licensed driver at all times shall
3 occupy a position within the driver's compartment that would
4 enable the accompanying licensed driver to assist the person in
5 controlling the vehicle as may be necessary to avoid a collision
6 and to provide immediate guidance in the safe operation of the
7 vehicle.

8 (e) A person, while having in his or her immediate possession
9 a valid permit issued pursuant to paragraphs (1) to (3), inclusive,
10 of subdivision (a), who is age 15 years and 6 months or older and
11 who has successfully completed approved courses in automobile
12 education and driver training as provided in paragraph (3) of
13 subdivision (a) of Section 12814.6, and a person, while having in
14 his or her immediate possession a valid permit issued pursuant to
15 subdivision (a), who is age 17 years and 6 months or older, may,
16 in addition to operating a motor vehicle pursuant to subdivision
17 (d), also operate a motorcycle, motorized scooter, or a motorized
18 bicycle, except that the person shall not operate a motorcycle,
19 motorized scooter, or a motorized bicycle during hours of darkness,
20 shall stay off any freeways that have full control of access and no
21 crossings at grade, and shall not carry any passenger except an
22 instructor licensed under Chapter 1 (commencing with Section
23 11100) of Division 5 of this code or a qualified instructor as defined
24 in Section 41907 of the Education Code.

25 (f) A person, while having in his or her immediate possession
26 a valid permit issued pursuant to paragraph (4) of subdivision (a),
27 may only operate a government-owned motor vehicle, other than
28 a motorcycle, motorized scooter, or a motorized bicycle, when
29 taking a driver training instruction administered by the California
30 National Guard.

31 (g) The department may also issue an instruction permit to a
32 person who has been issued a valid driver's license to authorize
33 the person to obtain driver training instruction and to practice that
34 instruction in order to obtain another class of driver's license or
35 an endorsement.

36 (h) The department may further restrict permits issued under
37 subdivision (a) as it may determine to be appropriate to assure the
38 safe operation of a motor vehicle by the permittee.

39 SEC. 3. Section 12811.2 is added to the Vehicle Code, to read:

12811.2. On and after January 1, 2011, a driver's license shall only be issued to a person at least 18 years of age but under 25 years of age if the person has completed 50 hours of supervised driving practice. Not less than 10 of the required practice hours shall include driving during darkness, as defined in Section 280. The person shall record and maintain a supervised driving log, provided by the department, in the vehicle while the person is practicing. Upon application for a driver's license, the person shall submit to the department the supervised driving log, certifying that the applicant has completed the required amount of driving practice and is prepared to take the department's driving test. This requirement does not apply to motorcycle practice.

SEC. 4. Section 12814.6 of the Vehicle Code is amended to read:

12814.6. (a) Except as provided in Section 12814.7, a driver's license issued to a person at least 16 years of age but under 18 years of age shall be issued pursuant to the provisional licensing program contained in this section. The program shall consist of all of the following components:

(1) Upon application for an original license, the applicant shall be issued an instruction permit pursuant to Section 12509. A person who has in his or her immediate possession a valid permit issued pursuant to Section 12509 may operate a motor vehicle, other than a motorcycle or motorized bicycle, only when the person is either taking the driver training instruction referred to in paragraph (3) or practicing that instruction, provided the person is accompanied by, and is under the immediate supervision of, a California licensed driver 25 years of age or older whose driving privilege is not on probation. The age requirement of this paragraph does not apply if the licensed driver is the parent, spouse, or guardian of the permitholder or is a licensed or certified driving instructor.

(2) The person shall hold an instruction permit for not less than six months prior to applying for a provisional driver's license.

(3) The person shall have complied with one of the following:

(A) Satisfactory completion of approved courses in automobile driver education and driver training maintained pursuant to provisions of the Education Code in any secondary school of California, or equivalent instruction in a secondary school of another state.

1 (B) Satisfactory completion of an integrated driver education
2 and training program that is approved by the department and
3 conducted by a driving instructor licensed under Chapter 1
4 (commencing with Section 11100) of Division 5. The program
5 shall utilize segmented modules, whereby a portion of the
6 educational instruction is provided by, and then reinforced through,
7 specific behind-the-wheel training before moving to the next phase
8 of driver education and training. The program shall contain a
9 minimum of 30 hours of classroom instruction and six hours of
10 behind-the-wheel training.

11 (C) Satisfactory completion of six hours or more of
12 behind-the-wheel instruction by a driving school or an independent
13 driving instructor licensed under Chapter 1 (commencing with
14 Section 11100) of Division 5 and either an accredited course in
15 automobile driver education in any secondary school of California
16 pursuant to provisions of the Education Code or satisfactory
17 completion of equivalent professional instruction acceptable to
18 the department. To be acceptable to the department, the
19 professional instruction shall meet minimum standards to be
20 prescribed by the department, and the standards shall be at least
21 equal to the requirements for driver education and driver training
22 contained in the rules and regulations adopted by the State Board
23 of Education pursuant to the Education Code. A person who has
24 complied with this subdivision shall not be required by the
25 governing board of a school district to comply with subparagraph
26 (A) in order to graduate from high school.

27 (D) Except as provided under subparagraph (B), a student may
28 not take driver training instruction, unless he or she has
29 successfully completed driver education.

30 (4) The person shall complete 50 hours of supervised driving
31 practice prior to the issuance of a provisional license, which is in
32 addition to any other driver training instruction required by law.
33 Not less than 10 of the required practice hours shall include driving
34 during darkness, as defined in Section 280. *The person shall record*
35 *and maintain a supervised driving log, provided by the department,*
36 *in the vehicle while the person is practicing.* Upon application for
37 a provisional license, the person shall submit to the department
38 the *supervised driving log and the* certification of a parent, spouse,
39 guardian, or licensed or certified driving instructor that the
40 applicant has completed the required amount of driving practice

1 and is prepared to take the department's driving test. A person
2 without a parent, spouse, guardian, or who is an emancipated
3 minor, may have a licensed driver 25 years of age or older or a
4 licensed or certified driving instructor complete the certification.
5 This requirement does not apply to motorcycle practice.

6 (5) The person shall successfully complete an examination
7 required by the department. Before retaking a test, the person shall
8 wait for not less than one week after failure of the written test and
9 for not less than two weeks after failure of the driving test.

10 (b) Except as provided in Section 12814.7, the provisional
11 driver's license shall be subject to all of the following restrictions:

12 (1) Except as specified in paragraph (2), during the first 12
13 months after issuance of a provisional license the licensee may
14 not do any of the following unless accompanied and supervised
15 by a licensed driver who is the licensee's parent or guardian, a
16 licensed driver who is 25 years of age or older, or a licensed or
17 certified driving instructor:

18 (A) Drive between the hours of 11 p.m. and 5 a.m.

19 (B) Transport passengers who are under 20 years of age.

20 (2) A licensee may drive between the hours of 11 p.m. and 5
21 a.m. or transport an immediate family member without being
22 accompanied and supervised by a licensed driver who is the
23 licensee's parent or guardian, a licensed driver who is 25 years of
24 age or older, or a licensed or certified driving instructor, in the
25 following circumstances:

26 (A) Medical necessity of the licensee when reasonable
27 transportation facilities are inadequate and operation of a vehicle
28 by a minor is necessary. The licensee shall keep in his or her
29 possession a signed statement from a physician familiar with the
30 condition, containing a diagnosis and probable date when sufficient
31 recovery will have been made to terminate the necessity.

32 (B) Schooling or school-authorized activities of the licensee
33 when reasonable transportation facilities are inadequate and
34 operation of a vehicle by a minor is necessary. The licensee shall
35 keep in his or her possession a signed statement from the school
36 principal, dean, or school staff member designated by the principal
37 or dean, containing a probable date that the schooling or
38 school-authorized activity will have been completed.

39 (C) Employment necessity of the licensee when reasonable
40 transportation facilities are inadequate and operation of a vehicle

1 by a minor is necessary. The licensee shall keep in his or her
2 possession a signed statement from the employer, verifying
3 employment and containing a probable date that the employment
4 will have been completed.

5 (D) Necessity of the licensee or the licensee's immediate family
6 member when reasonable transportation facilities are inadequate
7 and operation of a vehicle by a minor is necessary to transport the
8 licensee or the licensee's immediate family member. The licensee
9 shall keep in his or her possession a signed statement from a parent
10 or legal guardian verifying the reason and containing a probable
11 date that the necessity will have ceased.

12 (E) The licensee is an emancipated minor.

13 (c) A law enforcement officer shall not stop a vehicle for the
14 sole purpose of determining whether the driver is in violation of
15 the restrictions imposed under subdivision (b).

16 (d) A law enforcement officer shall not stop a vehicle for the
17 sole purpose of determining whether a driver who is subject to the
18 license restrictions in subdivision (b) is in violation of Article 2.5
19 (commencing with Section 118947) of Chapter 4 of Part 15 of
20 Division 104 of the Health and Safety Code.

21 (e) (1) Upon a finding that any licensee has violated paragraph
22 (1) of subdivision (b), the court shall impose one of the following:

23 (A) Not less than eight hours nor more than 16 hours of
24 community service for a first offense and not less than 16 hours
25 nor more than 24 hours of community service for a second or
26 subsequent offense.

27 (B) A fine of not more than thirty-five dollars (\$35) for a first
28 offense and a fine of not more than fifty dollars (\$50) for a second
29 or subsequent offense.

30 (2) If the court orders community service, the court shall retain
31 jurisdiction until the hours of community service have been
32 completed.

33 (3) If the hours of community service have not been completed
34 within 90 days, the court shall impose a fine of not more than
35 thirty-five dollars (\$35) for a first offense and not more than fifty
36 dollars (\$50) for a second or subsequent offense.

37 (f) A conviction of paragraph (1) of subdivision (b), when
38 reported to the department, may not be disclosed as otherwise
39 specified in Section 1808 or constitute a violation point count value
40 pursuant to Section 12810.

(g) Any term of restriction or suspension of the driving privilege imposed on a person pursuant to this subdivision shall remain in effect until the end of the term even though the person becomes 18 years of age before the term ends.

(1) The driving privilege shall be suspended when the record of the person shows one or more notifications issued pursuant to Section 40509 or 40509.5. The suspension shall continue until any notification issued pursuant to Section 40509 or 40509.5 has been cleared.

(2) A 30-day restriction shall be imposed when a driver's record shows a violation point count of two or more points in 12 months, as determined in accordance with Section 12810. The restriction shall require the licensee to be accompanied by a licensed parent, spouse, guardian, or other licensed driver 25 years of age or older, except when operating a class M vehicle, or so licensed, with no passengers aboard.

(3) A six-month suspension of the driving privilege and a one-year term of probation shall be imposed whenever a licensee's record shows a violation point count of three or more points in 12 months, as determined in accordance with Section 12810. The terms and conditions of probation shall include, but not be limited to, both of the following:

(A) The person shall violate no law which, if resulting in conviction, is reportable to the department under Section 1803.

(B) The person shall remain free from accident responsibility.

(h) Whenever action by the department under subdivision (g) arises as a result of a motor vehicle accident, the person may, in writing and within 10 days, demand a hearing to present evidence that he or she was not responsible for the accident upon which the action is based. Whenever action by the department is based upon a conviction reportable to the department under Section 1803, the person has no right to a hearing pursuant to Article 3 (commencing with Section 14100) of Chapter 3.

(i) The department shall require a person whose driving privilege is suspended or revoked pursuant to subdivision (g) to submit proof of financial responsibility as defined in Section 16430. The proof of financial responsibility shall be filed on or before the date of reinstatement following the suspension or revocation. The proof of financial responsibility shall be maintained with the department for three years following the date of reinstatement.

1 (j) (1) Notwithstanding any other provision of this code, the
2 department may issue a distinctive driver's license, that displays
3 a distinctive color or a distinctively colored stripe or other
4 distinguishing characteristic, to persons at least 16 years of age
5 and older but under 18 years of age, and to persons 18 years of
6 age and older but under 21 years of age, so that the distinctive
7 license feature is immediately recognizable. The features shall
8 clearly differentiate between driver's licenses issued to persons at
9 least 16 years of age or older but under 18 years of age and to
10 persons 18 years of age or older but under 21 years of age.

11 (2) If changes in the format or appearance of driver's licenses
12 are adopted pursuant to this subdivision, those changes may be
13 implemented under any new contract for the production of driver's
14 licenses entered into after the adoption of those changes.

15 (k) The department shall include, on the face of the provisional
16 driver's license, the original issuance date of the provisional
17 driver's license in addition to any other issuance date.

18 (l) This section shall be known and may be cited as the
19 Brady-Jared Teen Driver Safety Act of 1997.

20 SEC. 5. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.